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December 7, 2006

The Honorable Kent A. Jordan
United States District Court
844 King Street
Wilmington, DE 19801

Re: Capano v. Carroll, et al. C.A. 06-58 KAJ

Dear Judge Jordan:

I recently discussed the status of the above case with Elizabeth McFarlan, Esquire, one of the attorneys who is representing the State in the above case. The parties are in agreement that an evidentiary hearing will not be needed and none is being requested. The State has filed a Answer to the Habeas Petition and the Record in the state court has also been filed. At this point, the parties propose that the case proceed as follows:

- (1) On or before January 31, 2007, the Petitioner will file an Opening Brief and Appendix in support of the claims raised in the Habeas Petition;
- (2) On or before March 26, 2007, the State will file an Answering Brief and Appendix;
- (3) On or before March 16, 2007, the Petitioner will file a Reply Brief.

If the above is acceptable to the Court, I will submit a proposed Order

Respectfully yours,

/s/ Joseph M. Bernstein

cc: Elizabeth R. McFarlan, Esquire (By Hand Delivery)